

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

BONITA A. POWERS, INDIVIDUALLY	)	CASE NO. 1:22-cv-00198
AND AS EXECUTRIX OF THE ESTATE OF	)	
JAMES C. POWERS, Deceased,	)	JUDGE DAN A. POLSTER
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
THE CLEVELAND CLINIC FOUNDATION,	)	
	)	
Defendant.	)	

**PLAINTIFF’S COUNSEL’S MOTION TO WITHDRAW  
APPEARANCE PURSUANT TO LOCAL RULE 83.9**

AND NOW, come Movants, George R. Farneth II, Esquire and The Farneth Law Group, LLC, and file this Motion to Withdraw Appearance Pursuant to Local Rule 83.9, averring as follows:

1. Plaintiff commenced this medical malpractice action to recover for injuries, damages, and losses she and Plaintiff’s Decedent suffered as a result of Defendant’s deviation from the standard of care and other conduct.

2. As this Court knows, this is one of three medical malpractice actions Plaintiff has filed to date relative to the medical care and treatment Plaintiff’s Decedent received and his subsequent death; the other two actions are currently pending in the State of New York (“NY Case”) and the Commonwealth of Pennsylvania (“PA Case”) (the three lawsuits will be collectively referred to as the “Lawsuits”).

3. Since the outset of the Lawsuits, Plaintiff has been represented by George R. Farneth II, Esquire and The Farneth Law Group, LLC (“Movants”).

4. In 2020 Plaintiff began engaging in unilateral and clandestine conduct that has adversely affected the Lawsuits.<sup>1</sup>

5. In addition, Plaintiff has frequently disregarded Movants' legal advice, violated instructions Movants have given her, and failed to comply with the duties she assumed when she signed Movants' letter of representation.

6. Despite discussing with Plaintiff on multiple occasions the problems her conduct was causing and that she needed to stop engaging in that conduct for the benefit of the Lawsuits, Plaintiff's conduct has persisted.

7. Consequently, for some time now, diverse differences have existed and continue to exist between Plaintiff and Movants which have gotten progressively worse.

8. Those diverse differences now include significant issues relating to and that have prevented and will continue to prevent Movants from complying with this Court's directives/Orders of Court dated March 26, 2025 and April 10, 2025.

9. Movants have no intent or desire to disobey this Court's directives/Orders of Court dated March 26, 2025 and April 10, 2025, or to suffer sanctions as a result of any failure to comply with same.

10. Under the circumstances, Plaintiff has made it impossible for Movants to effectively represent Plaintiff in the Lawsuits.

11. Given the current state of the relationship between Plaintiff and Movants, it would not be in the best interests of Movant or Plaintiff for Movant to continue representing Plaintiff in any of the Lawsuits.

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<sup>1</sup> Because it would require them to reveal attorney-client privileged information that could adversely affect Plaintiff and the Lawsuits, Movants cannot provide the details regarding Plaintiff's conduct, unless Plaintiff elects to waive her attorney-client privilege which she should not do until she retains and confers with new counsel.

12. Simply stated, Plaintiff has constructively discharged Movants in all three Lawsuits.

13. In addition, Movants recently learned from a third party that Plaintiff has been interviewing other attorneys to replace Movants in at least the PA Case and possibly all the Lawsuits.

14. Although they do not know the status of Plaintiff's efforts to retain new counsel, Movants believe it would be appropriate and necessary to stay this matter for 90 days to allow Plaintiff to finalize her retention of new counsel and for the new counsel to get up to speed.

15. If this Court agrees that a stay of any length is appropriate, then each of the deadlines set forth in the Amended Scheduling Order this Court entered on April 11, 2025 will need to be extended by the same period.

16. On April 10, 2025 Movants twice notified Plaintiff that they intended to promptly file this Motion and to soon file similar Motions in the NY Case and PA Case.

17. To date, Plaintiff has not addressed, let alone objected to Movants filing this Motion or similar Motions in the NY Case and PA Case and, therefore, Movants do not know if Plaintiff intends to oppose this Motion.

18. On April 11, 2025 Movants conferred with Defendant's counsel who has advised that Defendant does not oppose Movants' withdrawal as counsel, but at this time it does not consent to a 90-day stay.<sup>2</sup>

19. For the reasons set forth herein, Movants respectfully request that this Court enter an Order granting this Motion and withdrawing the appearance of George R. Farneth II, Esquire and The Farneth Law Group, LLC on behalf of Plaintiff.

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<sup>2</sup> Movants believe that Defendant will likely file a Response to this Motion in which it will detail its position for the Court.

20. No party will suffer any prejudice whatsoever if the requested relief is granted while Movants will suffer severe and irreparable prejudice and harm if the requested relief is not granted.

WHEREFORE, Movants, George R. Farneth II, Esquire and The Farneth Law Group, LLC, respectfully requests that this Court enter an Order in the form attached hereto.

Respectfully submitted,

/s/ George R. Farneth II

George R. Farneth II (PA No. 53914; WV No. 10749; and Ohio PHV No. 10195 - 2025)

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*Attorneys for Plaintiff (Pro Hac Vice)*

**CERTIFICATE OF SERVICE**

I, George R. Farneth II, hereby certify that on this 11th day of April 2025, I served a true and correct copy of this Motion to Withdraw Appearance Pursuant to Local Rule 83.9 via ECF upon all counsel of record and to Plaintiff via email correspondence addressed as follows.

Bonita Powers  
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Respectfully submitted,

/s/ George R. Farneth II  
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